

City of Mt. Shasta

Overview of CEQA EIR Process – Lead and Responsible Agencies



presented to
Mt. Shasta City Council

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Types of Public Agencies Under CEQA

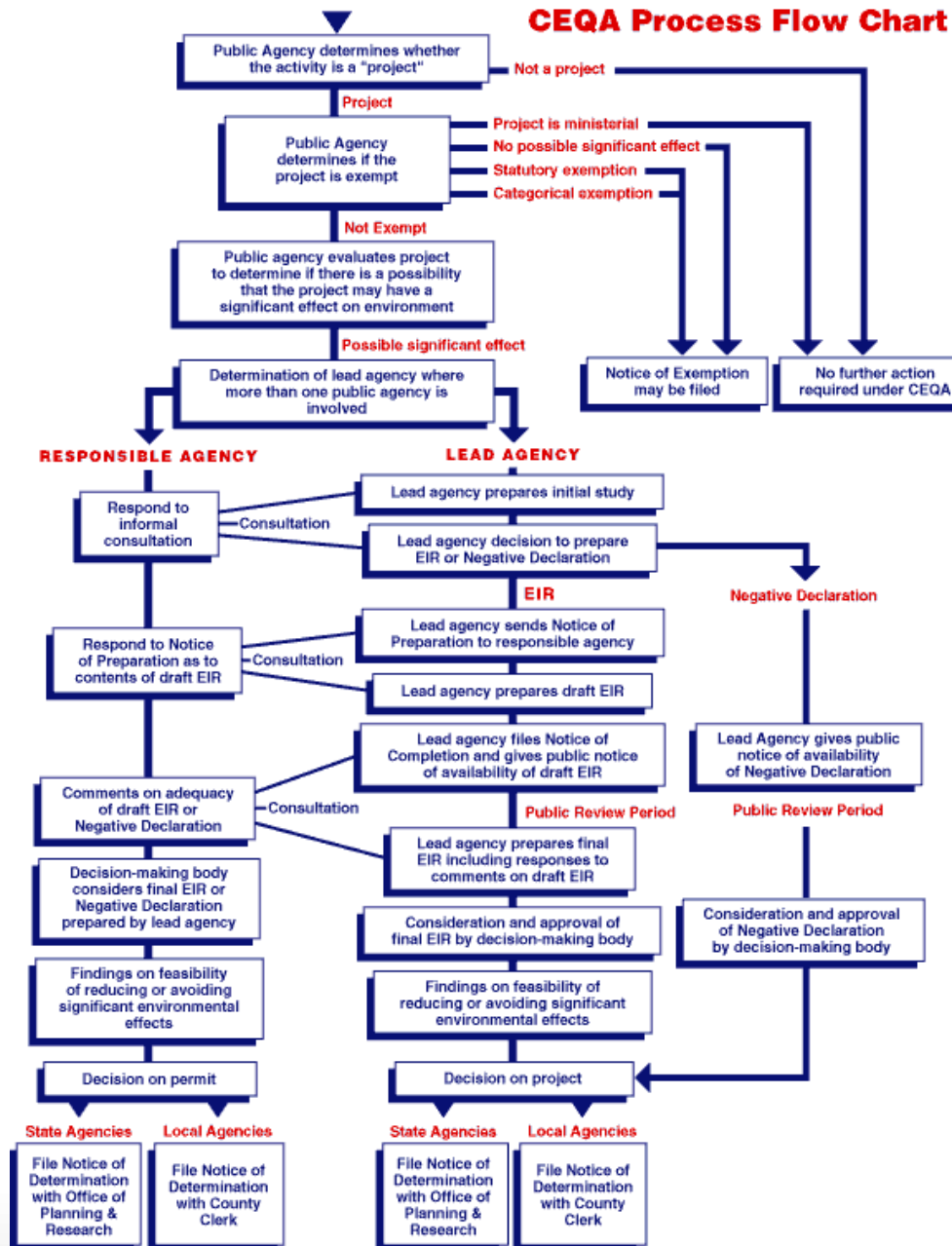
- Lead Agency - the public agency which has the principal responsibility for carrying out or approving a project. The Lead Agency will decide whether an EIR or Negative Declaration will be required for the project and will cause the document to be prepared (CEQA Guidelines §15367).
- Responsible Agency - a public agency with some discretionary authority over a project or a portion of it, but which has not been designated the Lead Agency (CEQA Guidelines §15381). CEQA allows Responsible Agencies to rely on a CEQA document prepared by the Lead Agency to meet their CEQA compliance requirements.
- Trustee Agency - a state agency having jurisdiction by law over natural resources affected by a project which are held in trust for the people of the State of California (e.g. the California Department of Fish and Wildlife, State Lands Commission, and State Department of Parks and Recreation, and University of California (CEQA Guidelines §15386).

Criteria for Identifying Lead Agency

Where two or more public agencies will be involved with a project (CEQA Guidelines §15051):

- (a) If the project will be carried out by a public agency, that agency shall be the Lead Agency even if the project would be located within the jurisdiction of another public agency.
- (b) ...the Lead Agency shall be the public agency with the greatest responsibility for supervising or approving the project as a whole.
 - (1) The Lead Agency will normally be the agency with general governmental powers, such as a city or county, rather than an agency with a single or limited purpose such as an air pollution control district or a district which will provide a public service or public utility to the project.
 - (2) ...the city will be the appropriate Lead Agency for any subsequent annexation of the area and should prepare the appropriate environmental document at the time of the rezoning.
- (c) Where more than one public agency equally meet the criteria in subdivision (b), the agency which will act first on the project in question shall be the Lead Agency.

CEQA Process Flow Chart



General EIR Process – Lead and Responsible Agencies

Notice of Preparation (NOP)

Lead Agency: prepares NOP and circulates it for a 30-day review period.

Responsible Agency: specifies the “scope and content of the environmental information which would be germane to the Responsible Agency’s statutory responsibilities in connection with the proposed project.” (CEQA Guidelines §15096[b][2]).

General EIR Process – Lead and Responsible Agencies, cont.

Meetings

Lead Agency: may hold meeting for agencies, interested parties, and the public.

Responsible Agency: shall attend meetings at the request of the Lead Agency to discuss the scope and content of the EIR.

Draft EIR

Lead Agency: prepares Draft EIR that should address all comments received on the NOP and other scoping activities.

Notice of Completion and Notice of Availability

Lead Agency: submits notices to start (45-day) Draft EIR public review.

General EIR Process – Lead and Responsible Agencies, cont.

Public Review Period

Responsible Agency: reviews and comments on Draft EIR.

- Comments shall focus on environmental information germane to that agency's statutory responsibility (CEQA Guidelines §15204[d]).
- A Responsible Agency shall only make substantive comments regarding those activities involved in a project that are within an area of expertise of the agency or that are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation (CEQA Guidelines §15096[d]; PRC §21104[c] and §21153[d]).

General EIR Process – Lead and Responsible Agencies, cont.

Responses to Comments

Lead Agency: prepares and sends responses to public agencies at least 10 days before certification.

Prepare Final EIR

Lead Agency.

Public Hearing (not required, but typically held)

Lead Agency.

General EIR Process – Lead and Responsible Agencies, cont.

Consideration and Certification of Final EIR Lead Agency.

Project Approval Lead Agency.

- Makes findings regarding environmental effects.
- Prepares Statement of Overriding Considerations, if needed.
- Adopts Mitigation Monitoring or Reporting Program.

General EIR Process – Lead and Responsible Agencies, cont.

Notice of Determination

Lead Agency. Submits NOD to begin 30-day statute of limitations. Marks end of CEQA process for Lead Agency.

The Responsible Agency must now consider the EIR before making a determination regarding permit approval.

General EIR Process – Lead and Responsible Agencies, cont.

If Responsible Agency Determines EIR is Inadequate

If the Responsible Agency finds the Lead Agency's document is inadequate for its use, a Responsible Agency may:

- Under certain limited circumstances, assume the role of Lead Agency and prepare its own CEQA document. (CEQA Guidelines §15052)
- Prepare a Subsequent EIR, Supplement or Addendum, if permissible. (CEQA Guidelines §15096, §15162-15164)
- Bring a legal challenge against the adequacy of final EIR prepared by the Lead Agency. (CEQA Guidelines §15096, §15052 Discussion)
- Waive its objections and use the Lead Agency's document anyway. (CEQA Guidelines §15096)

General EIR Process – Lead and Responsible Agencies, cont.

Consideration of EIR

Responsible Agency: considers Final EIR.

Adoption of Alternatives or Mitigation Measures

Responsible Agency:

- Authority is limited to mitigating or avoiding only the direct or indirect environmental effects of those parts of the project which it decides to carry out, finance, or approve.
- Shall not approve the project as proposed if the agency finds any feasible alternative or feasible mitigation measure within its powers that would substantially lessen or avoid any significant effect the project would have on the environment.

(CEQA Guidelines §15096[g])

General EIR Process – Lead and Responsible Agencies, cont.

Project Approval

Responsible Agency:

- Makes findings regarding each significant effect of the project.
- Prepares Statement of Overriding Considerations (if necessary).
- Adopts Mitigation Monitoring or Reporting Program.
- Makes a decision regarding permit approval.

Notice of Determination

Responsible Agency: files NOD within 5 days of project approval.
Starts 30-day Statute of Limitations.